

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SUSAN SEARLE,

Plaintiff,

v.

RGS FINANCIAL, INC.,

Defendant.

CIVIL ACTION NO. 1:13-cv-11916-FDS

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES**

The pro se plaintiff has filed a document styled "Reply and Motion to Strike Affirmative Defenses." The document is not entirely clear, but purports to request an order striking some of the affirmative defenses asserted by the defendant RGS Financial, Inc. ("RGS") in its answer to the complaint. The Motion is frivolous and should be denied, for the following reasons:

1. The pro se plaintiff made no attempt to communicate with defense counsel pursuant to Local Rule 7.1. There has been no conference as required by the Rule. Nor does the Motion have the required certification. For this reason alone it should be denied.
2. In any event, the Motion is not well taken. RGS has in good faith asserted multiple affirmative defenses that are standard in cases like this and appropriate given the known circumstances. If necessary, RGS will present evidence and argument in support of these defenses. There is no reason why they should be stricken.
3. The pro se plaintiff offers no authority in support of her Motion. Manifestly, the Motion is simply an effort to harass, annoy, and cause RGS inconvenience and expense. It has been brought in bad faith and without basis.

For all of the foregoing reasons, the plaintiff's Motion to strike should be denied.

RGS FINANCIAL, INC.

By its attorneys,

/s/ John J. O'Connor

John J. O'Connor

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CERTIFICATE OF SERVICE

I, John J. O'Connor, do hereby certify that I have, this 13th day of December, 2013, served the foregoing document on all counsel of record, by causing a copy thereof, to be sent electronically to the registered participants in this case as identified on the Notice of Electronic Filing (NEF).

/s/ John J. O'Connor

John J. O'Connor

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